

## **DISPUTE REVIEW BOARD RECOMMENDATION**

January 29, 2004

E-Mailed January 29, 2004

Michael P. Hamm Project Manager  
Elmo Greer & Sons Company  
P.O. Box 690656  
Vero Beach, Florida #2968-0656

Ernest C. Dobbs Jr. P.E. Senior Project Engineer  
P.B.S.&J. Construction Services, Inc.  
2001 9th Ave Suite 210  
Vero Beach, Florida 32960

Financial Project Number(s): 22859815201 , 22859915201 , 22860115201  
Financial Aid Project Number(s) 2004 042 P , 2004 043 P , 2004 038 P  
Contract Number T4003  
County Indian River  
S.R. 60 Corridor

### **Dispute Review Board Issue**

Elliptical pipe and mitered end section line bid items as displayed in the contract proposal for pricing at the time of the bid.

Dear Sirs,

The Contractor Elmo Greer & Sons has requested a hearing to determine t if Greer is entitled to compensation for extra cost for the purchase of elliptical concrete pipe in lieu of round concrete pipe which in Greer's opinion is improperly described in the proposal request for bids.(line items)

The Board has received in a timely manner all of the correspondence and other information with the parties position papers.

The hearing was January 21, 2004

The hearing is for entitlement and dollar value.

**The Contractor And Owner/Engineers Position Papers are attached.**

## The Decision of the Board

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The Dispute Review Board has met to hear the presentation of the unsolved problems between Elmo Greer and FDOT/ PBS&J and reviewed the documents, plans and specifications for the project. The Board has made their decision as listed below:

The plans clearly indicate to the bidders that concrete elliptical pipe would be used for the part in contention and although the bidding documents ask for pricing of the end sections to be round pipe, they clearly used the proper coding for the elliptical pipe.

The Board believes that the price quoted by Florida Concrete Pipe should have been for elliptical pipe, as they are a major pipe supplier for FDOT work. They should have been aware of the coding used in the bidding documents and furnished the contractors the proper prices.

FDOT/PBS&J have agreed that the round sections as requested in the proposal for the end sections is not appropriate, and the contractor is due a change in price in order to furnish the proper end sections.

Please remember that a response to the DRB and the other parties of your acceptance or rejection of the decision is required within 15 days.

Failure to respond constitutes an acceptance of this decision by the non-responsible party.

The Board would like to commend FDOT/PBS&J for their attempt to find another solution to the problem, and for Elmo Greer in their immediate ordering of the required pipe to fulfill the requirements of the project.



Dallas L. Wolfford  
Dallas L. Wolfford, Chairman DRB



Robert A. Lavette  
Robert A. Lavette, PE Board Member



John C. Swengel  
John C. Swengel, Board Member